

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-14, 16-27, 29-37, 39-43, 45 and 46 are currently pending in this application. Claims 2-4, 6, 8, 10-14, 16-25, 30-35, and 40-41 were previously presented. Claims 1, 5, 7, 9, 26-27, 29, 36-37, 39, and 42-43 have been amended. New dependent claims 45 and 46 have been added. No new matter has been introduced. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §102(e)**

Claims 9, 14, 16-20, and 22-27 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,437,836 to Huang et al. (hereinafter, merely “*Huang*”). Claims 29, 31-37, 39-40, and 42-43 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,898,762 to Ellis et al. (hereinafter, merely “*Ellis*”).

### III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-8 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Ellis* in view of *Huang*. Claims 10-13 and 21 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Huang* in view of *Ellis*. Also, claims 30 and 41 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Ellis*.

### IV. RESPONSE TO REJECTIONS

Independent claim 1 recites, *inter alia*:

“An information processing system comprising:

... providing means for retrieving said program information from said storing means before providing the retrieved program information to said portable information terminal apparatus, said providing means retrieving said program information based on identifying a user ID associated with an information request transmitted from said portable information terminal apparatus,

wherein upon identifying said user ID said retrieved program information includes registered content applicable to said user ID, and

wherein said user ID is unidentifiable, said retrieved program information includes commonly watched channels; ...”

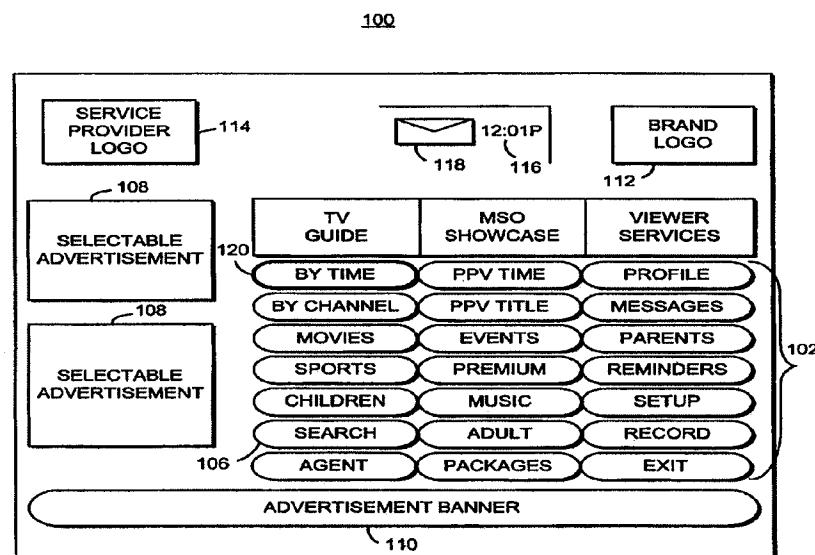
(Emphasis added)

*A. A Means that Retrieves Program Information Based On Identifying A User ID Associated With An Information Request Transmitted From A Portable Information Terminal Apparatus Is Not Taught Or Suggested In The Prior Art*

Neither *Ellis* nor *Huang* disclose or suggest a “providing means,” whereby the “providing means retriev[es] said program information based on identifying a user ID associated with an information request transmitted from said portable information terminal apparatus,

wherein upon identifying said user ID said retrieved program information includes registered content applicable to said user ID, and wherein said user ID is unidentifiable, said retrieved program information includes commonly watched channels," as recited in claim 1.

In *Ellis*, a program guide may provide users with an opportunity to access program guide features through a main menu. A main menu screen, such as illustrative main menu screen (100) of FIG. 5, may include menu (102) of selectable program guide features (106). If desired, program guide features (106) may be organized according to feature type. FIG. 5 is illustrated below:



*FIG. 5*

In menu (102), for example, program guide features (106) have been organized into three columns. The column labeled "TV GUIDE" is for listings related features, the column labeled "MSO SHOWCASE" is for multiple system operator (MSO) related features, and the column labeled "VIEWER SERVICES" is for viewer related features. The interactive television program guide may generate a display screen for a particular program guide feature when a user selects that feature from menu (102). A main menu screen (100) may include one or more

selectable advertisements (108). Selectable advertisements (108) may, for example, include text and graphics advertising pay-per-view programs or other programs or products. When a user selects a selectable advertisement (108), the program guide may display information (e.g., pay-per-view information) or take other actions related to the content of the advertisement. Pure text advertisements may be presented, if desired, as illustrated by selectable advertisement banner (110). *Ellis, col. 10, lines 3-28.*

Moreover, according to *Ellis*, users may also indicate a desire to have a program guide server (25) automatically process expressions by, for example, saving defined expressions as agents (*see FIG. 9a below*). A user may indicate a desire to save an expression as an agent by, for example, selecting the “Save As Agent” selectable feature (147) of FIGS. 9a and 9b after defining a Boolean or natural language expression. The program guide client may automatically highlight the “Save As Agent” selectable feature (147) when a user indicates that the user is finished defining an expression (e.g., by pressing an "OK" key). If desired, the program guide client may provide the user with an opportunity to name the agent. *Ellis, col. 13, lines 27-38.*

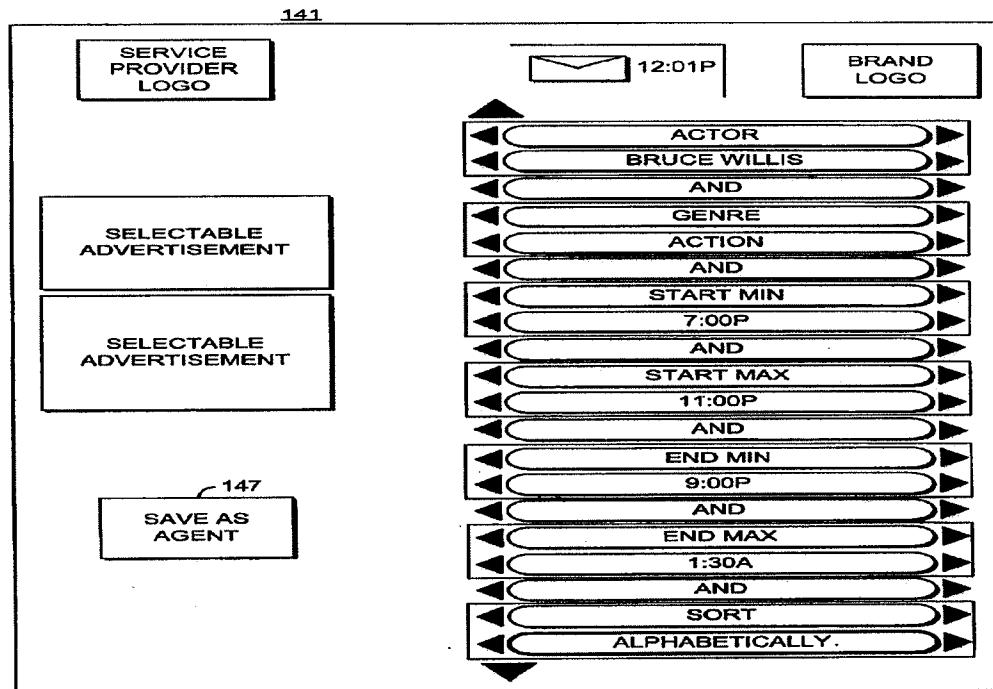


FIG. 9a

As described above, *Ellis*’ “Save As Agent” (147) and selectable program guide features (106) do not disclose or suggest a “providing means,” whereby the “providing means retriev[es] program information based on identifying a user ID associated with an information request transmitted from [a] portable information terminal apparatus.” It is therefore **not** surprising that *Ellis* also fails disclose or suggest “a providing means” whereby “upon identifying said user ID,” the “retrieved program information includes registered content applicable to said user ID”, and when the “user ID is unidentifiable,” the “retrieved program information includes commonly watched channels.”

Although *Huang* purports to disclose a portable information terminal apparatus, *Huang* does nothing to remedy the deficiencies in *Ellis*. Therefore, Applicants respectfully submit that claim 1 is patentable. Independent claims 5, 7, 9, 26-27, 29, 36-37, 39, and 42-43, which are similar in scope to claim 1, are also patentable for similar reasons.

Reconsideration and withdrawal of these rejections is, therefore, respectfully requested.

#### V. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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